

PCT

NOTIFICATION CONCERNING
TRANSMITTAL OF COPY OF INTERNATIONAL
PRELIMINARY REPORT ON PATENTABILITY
(CHAPTER I OF THE PATENT COOPERATION
TREATY)

(PCT Rule 44bis.1(c))

To:

FLIGHT, James, A.
Hanley, Flight, & Zimmerman, LLC
150 South Wacker Drive
Suite 2100
Chicago, IL 60606
ETATS-UNIS D'AMERIQUE

Date of mailing (*day/month/year*)

14 January 2010 (14.01.2010)

Applicant's or agent's file reference

92/P03-014C PCT

IMPORTANT NOTICE

International application No.

PCT/US2008/065643

International filing date (*day/month/year*)

03 June 2008 (03.06.2008)

Priority date (*day/month/year*)

02 July 2007 (02.07.2007)

Applicant

RITE-HITE HOLDING CORPORATION

The International Bureau transmits herewith a copy of the international preliminary report on patentability (Chapter I of the Patent Cooperation Treaty)

RECEIVED
FEB 01 2010
BY: _____

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Authorized officer

Athina Nickitas-Etienne

Facsimile No. +41 22 338 82 70

e-mail: pt04.pct@wipo.int

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44*bis*)

Applicant's or agent's file reference 92/P03-014C PCT	FOR FURTHER ACTION	See item 4 below
International application No. PCT/US2008/065643	International filing date (<i>day/month/year</i>) 03 June 2008 (03.06.2008)	Priority date (<i>day/month/year</i>) 02 July 2007 (02.07.2007)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant RITE-HITE HOLDING CORPORATION		

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 *bis*.1(a).

2. This REPORT consists of a total of 8 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|---|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the report |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44*bis*.3(c) and 93*bis*.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44*bis* .2).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70	Date of issuance of this report 05 January 2010 (05.01.2010)
	Authorized officer Athina Nickitas-Etienne e-mail: pt04.pct@wipo.int

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

To:

see form PCT/ISA/220

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY
(PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/US2008/065643

International filing date (day/month/year)
03.06.2008

Priority date (day/month/year)
02.07.2007

International Patent Classification (IPC) or both national classification and IPC
INV. B65G69/00

Applicant
RITE-HITE HOLDING CORPORATION

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



European Patent Office - P.B. 5818 Patentlaan 2
NL-2280 HV Rijswijk - Pays Bas
Tel. +31 70 340 - 2040 Tx: 31 651 epo nl
Fax: +31 70 340 - 3016

Date of completion of
this opinion

See form
PCT/ISA/210

Authorized Officer

Papatheofrastou, M

Telephone No. +31 70 340-4422



Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of:
 - ☒ the international application in the language in which it was filed
 - ☐ a translation of the international application into , which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1 (b)).
2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))
3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ on paper
 - ☐ in electronic form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in electronic form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
4. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
5. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US2008/065643

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	<u>8-16</u>
	No: Claims	<u>1-7</u>
Inventive step (IS)	Yes: Claims	<u>8-16</u>
	No: Claims	<u>1-7</u>
Industrial applicability (IA)	Yes: Claims	<u>1-16</u>
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V.

1. Reference is made to the following documents:

**D1: WO 2006/091900 A (RITE HITE HOLDING CORP [US]; SVEUM MATT [US];
TOURDOT MATTHEW [US]; HO) 31 August 2006 (2006-08-31)**

**D2: US 2002/168255 A1 (KISH JOHN A [US]) 14 November 2002 (2002-11-14)
cited in the application**

NOVELTY

2. INDEPENDENT CLAIM 1

- 2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.

Document D1 discloses (the references in parentheses applying to this document):

A vehicle brace (200) for a vehicle (12) that tends to move vertically in response to being loaded or unloaded at a loading dock (14), the vehicle brace (200) comprising: a base (206) that is substantially stationary when installed at the loading dock (14); a support member (202) coupled to the base (206) and being movable relative thereto to a preparatory position (Fig. 3) adjacent to the vehicle so that the vehicle is able to exert against the support member (202) an applied force that urges the support member down from the preparatory position; and a control system (204) comprising a spring (212) and actuator (52) coupled to the support member, the spring being operatively coupled to the actuator to enable the support member (202) to exert against the vehicle a reactive force (32) that opposes the applied force (34) in a first allowable range, and the actuator (52) being controlled to exert against the vehicle a reactive force (32) that opposes the applied force (34) when it exceeds the first allowable range to oppose the applied force such that the support member appreciably slows the descent of the vehicle when the vehicle moves downward (page 9, line 23 to page 10, line 9).

3. DEPENDENT CLAIMS 2-7

- 3.1 Dependent claims 2-7 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step (Article 33(2) and (3) PCT).

NOVEL AND INVENTIVE

4. INDEPENDENT CLAIM 8

- 4.1 Document D1, which is considered to represent the most relevant state of the art, discloses (the references in parentheses applying to this document):

A vehicle brace (10) for a vehicle (12) that tends to move vertically in response to being loaded or unloaded at a loading dock (14), the vehicle brace (10) comprising: a base (38) that is substantially stationary when installed at the loading dock (14); a support member (20) coupled to the base (38) and being movable relative thereto; a hydraulic cylinder (52) coupled to the support member (20) and being operable to move the support member to a preparatory position (Fig. 8) adjacent to the vehicle so that the vehicle is able to exert against the support member (20) an applied force that urges the support member down from the preparatory position; a flow restrictor (74) in fluid communication with the hydraulic cylinder (52), wherein the flow restrictor provides a pressure differential that enables the support member to exert a reactive force that opposes the applied force such that the support member appreciably slows the descent of the vehicle when the vehicle moves downward (page 18, lines 6-20).

From this, the subject-matter of independent claim 8 differs in that:

the flow restrictor is adjustable and provides an adjustable pressure differential that enables the support member to exert an adjustable reactive force.

4.2 The subject-matter of claim 8 is therefore novel (Article 33(2) PCT)

The problem to be solved by the present invention may be regarded as to improve the response of the system and allow a user to adjust the stiffness of the system as felt by the forklift operator.

4.3 The solution to this problem proposed in claim 8 of the present application is considered as involving an inventive step (Article 33(3) PCT) for the following reasons:

No other prior art document discloses an adjustable flow restrictor enabling the support member to exert an adjustable reactive force.

4.4 Claims 9-13 are dependent on claim 8 and as such also meet the requirements of the PCT with respect to novelty and inventive step.

5. INDEPENDENT CLAIM 14

5.1 Document D1, which is considered to represent the most relevant state of the art, discloses (the references in parentheses applying to this document):

A vehicle brace (10) for a vehicle (12) that tends to move vertically in response to being loaded or unloaded at a loading dock (14), the vehicle brace (10) comprising: a base (38) that is substantially stationary when installed at the loading dock (14); a support member (20) coupled to the base (38) and being movable relative thereto; a hydraulic cylinder (52) coupled to the support member (20) and being operable to move the support member to a preparatory position (Fig. 8) adjacent to the vehicle so that the vehicle is able to exert against the support member (20) an applied force that urges the support member down from the preparatory position; a flow restrictor (74) in fluid communication with the hydraulic cylinder (52), wherein the flow restrictor provides a pressure differential that enables the support member to exert a reactive force that opposes the applied force such that the support member appreciably slows the descent of the vehicle when the vehicle moves downward (page 18, lines 6-20).

From this, the subject-matter of independent claim 14 differs in that:

it comprises a shock-absorbing accumulator in fluid communication with the hydraulic cylinder so as to permit fluid exchange between the shock-absorbing accumulator and the hydraulic cylinder in response to a change in the pressure differential.

5.2 The subject-matter of claim 14 is therefore novel (Article 33(2) PCT)

The problem to be solved by the present invention may be regarded as to improve the response in vehicle movements during loading and unloading at a bay and especially to a sudden downward movement of the vehicle.

5.3 The solution to this problem proposed in claim 14 of the present application is considered as involving an inventive step (Article 33(3) PCT) for the following reasons:

No other prior art document discloses a shock-absorbing accumulator in fluid communication with the hydraulic cylinder.

5.4 Claims 15, 16 are dependent on claim 14 and as such also meet the requirements of the PCT with respect to novelty and inventive step.